

City Council Special and Regular Meetings, July 24, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: 6:15 P.M.

CLOSED SESSIONS

A. Conference with Labor Negotiator, City Manager Kersnar, pursuant to Government Code Section No. 54957.6

1. MMCEA
2. AFSCME
3. BPOA
4. Unrepresented Management Employees

Attended by Council members Wright, Rianda, Hahn, (Cook, Warden, abs.), City Manager Kersnar, Human Resources Director Dolan, City Attorney Savaree.

Adjournment at this time, being 6:20 P.M. this Closed Session was adjourned.

Meeting not tape recorded.

Kathy Kern

Belmont City Clerk

STUDY SESSIONS - 6:30 P.M.

Report from Mr. C. Britton, MidPeninsula Regional Open Space District.

Mr. Britton provided a brief history of the District and showed the area in the three Counties and 16 cities they had annexed into the Open Space District. Mr. Britton explained they were a Special District with an elected seven member Board. He explained that Belmont was not included in the District because his organization did not purchase urban land. Mr. Britton explained that if Belmont had an interest in joining Mid Peninsula Regional Open Space District a petition could be presented, or an application to LAFCO in Santa Clara County. He reported that the District currently owned 50,000 acres. He suggested that if the City was interested in fund raising, they should contact the Trust for Public Lands to form a non-profit land trust, then try and match those funds with a Bond Measure. Mr. Britton said this would determine how interested the citizens were in preserving the land.

Adjournment at this time, being 6.35 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and televised

Report on Pre-qualification of Contractors and Subcontractors to Bid on Major City Sponsored Projects

Public Works Director Curtis introduced the two key industry proponents of the process for Council consideration.

Mr. Nack, Business Manager, San Mateo County Building and Construction Trades Council, 1153 Chess Drive, Ste. 206, Foster City, explained that the prequalification process allows public agencies to select responsible and responsive contractors. He said this was an unbiased process that helped determine the most qualified to perform the work. He said it would encourage contractors to select qualified sub contractors. Mr. Nack distributed ordinances from two cities that use the prequalification process on their public projects. He said his organization supported prequalification of all contractors on all public projects.

Mr. Talia, District Manager, Associated General Contractors, 1390 Willow Pass Road, Suite 1030, Concord, explained that his organization would support the use of prequalification where the City believed that it was needed, for the success of the project. He requested that the standard prequalification document that had been adopted by the State in 1999 be used.

In response to C. Warden, **Mr. Nack** stated that the ordinances were a good template with similar components, which would allow staff to pre qualify all public works projects. He said these ordinances provide a framework for the prequalification process.

City Manager Kersnar stated that he would check with his counterparts in those cities to see how well these ordinances worked for them.

In response to C. Hahn, Public Works Director Curtis explained that under this process, the General Contractor would be required to find another qualified subcontractor, if the first one was disqualified.

Mr. Talia stated that he thought that the City would be taking on an additional risk, because prequalifying subcontractors was an increased liability to the City. He said his group was in favor of prequalifying General Contractors, not subcontractors. He said if the City decided to use the prequalification process, he could support that decision as long as the State approved guidelines were used.

In response to C. Warden, Public Works Director Curtis stated that the down side of this process was the staff time involved. He said the City would have some responsibility for the subcontractors that would be prequalified under this process. He said Federal projects required a prequalification process. Public Works Director Curtis said he thought that any project over \$20,000 was one way to structure this process.

C. Rianda said she would like to have staff look at these suggestions and report back at a later time: 1). evaluate the list once a year; 2). substitute the word "shall" instead of "may"...in the line require a prequalification process..... in a proposed ordinance; 3). prequalify contractors and subcontractors.

C. Hahn said she would like feedback on how this was working in other cities.

C. Warden stated he would like the liability question answered. He said he thought the \$20,000 threshold on projects seemed reasonable, and he was in favor of the process for prequalification. He thought the State approved questionnaire was a good idea.

C. Wright said he would like the issues framed out discussing what the key policy issues involve. He said the terminology of "shall vs. will" would be driven by the scale and scope. He said he was in favor of the utilization of the documentation that had already been adopted as a baseline, but had not decided about subcontractors yet. He said staff research on what other cities did, would help in his decision making.

City Manager Kersnar stated that staff would schedule a study session to answer the Council's concerns and questions and then draft an Ordinance.

Adjournment, at this time, being 7:25 P.M., this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and televised

REGULAR MEETING - 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: Cook

Staff Present: City Manager Kersnar, City Attorney Savaree, Community Development Director Ewing, Public Works Director Curtis, Finance Director Fil, Police Commander Wood, Human Resources Director Dolan, Fire Chief Jewell, Principal Planner de Melo, City Clerk Kern

REPORT FROM CLOSED SESSION

Mayor Hahn announced that direction was given, but no action was taken in the closed session on June 26th.

PUBLIC/COUNCIL COMMENTS

Mr. Lawhern, 418 Hiller requested an update on the ongoing concern with the property located at 325 Old County Road.

City Attorney Savaree stated that she would provide Mr. Lawhern a verbal update during the meeting break.

Ms. Castaellanos, 2331 Coronet Blvd., requested that the City hire more staff to finish all the work that needed to be done in the City.

Ms. Gandolfi, 2423 Casa Bona, explained that she had taken a bad fall and broken her wrist on Palm Avenue across from the Center for the Independence of the Disabled (CID) . She requested that it be fixed immediately before anyone else got hurt.

C. Warden reported that he had attended the very last meeting of the Library Task Force and they had voted unanimously on the conceptual design of the new library. He said the co chairs would be coming to Council in the near future to provide a report and show the drawings.

AGENDA AMENDMENTS

Mayor Hahn announced that CC items AA1-2 (Ross Woods) would be discussed separately.

She announced that Council would reverse the order of Item 7-A (Coronet) and 6-A(Appeal on Coronet). New Business would be heard first.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meetings of June 12, 2001.

Approval of Warrant List Dated: June 22, 2001 in total amount of \$191,770.17, and dated June 29, 2001 in total amount of \$217,688.69, and dated July 6, 2001 in total amount of \$522,513.62, and dated July 13, 2001 in total amount of \$181,093.46.

Written Communication 1). Rec. 6/21 re. PacifiCorp's (U901-E) Plan for inspections, record keeping, and reporting, D.97-03-070, U,95-02-015/R.96-11-004; 2). Rec. 7/5 S. CA. Edison (U338-E) Annual Compliance Report filed per GO No. 165, I.95-02-015, R.96-11-004; 3). Rec. 7/11 Notice of 9/5 deadline for filing proofs of claim, PG&E, Chap. 11 Case No. 01-30923DM, US Bankruptcy Court.

Motion to approve Claims Management Report.

Motion to waive reading of Ordinances

Resolution No 9030 authorizing the Director of Environmental Health to execute an Agreement with the State of California on behalf of the City of Belmont for Implementation of a Used Oil and Household Hazardous Waste Collection Program.

Resolution No. 9031 accepting work, and authorization to File the Notice of Completion for the Ralston/Harbor/Holly Grade Separation Project, Phase B, Kiewit Pacific Corporation. City Contract No. 330/85-9462.

Ordinance No. 962 amending Ordinance 360 (The Zoning Ordinance), Section 2.60 regarding a clarification of the definition of "Floor Area Gross". (2nd reading and adoption)

Ordinance No. 963 amending Chapter 22, Article VI, Political Signs of the Belmont Municipal Code. (2nd reading and adoption).

Ordinance No. 964 amending Section 16-26 of the Belmont Municipal Code, Alcoholic Beverages. (2nd reading and adoption).

Ordinance No. 965 amending Sections 8.1.4 and 8.4.1.A (Parking) of Ordinance No. 360 (the Belmont Zoning Ordinance). (2nd reading and adoption).

Resolution No. 9032 accepting a \$10,000 donation from the Stanley James Walker Foundation.(Senior Center)

Resolution No. 9033 Approving a Cost Sharing Agreement with San Mateo County for the Reconstruction of the Belmont portion of O'Neill Avenue between Elmer and Granada Streets, in an Amount not to Exceed \$45,500.

Resolution No. 9034 declaring as Surplus of Vehicles and Equipment and Authorizing Sale at Auction and Disposal.

Resolution No. 9035 approving Plans and Specifications and Authorization to Advertise for Sealed Bids for Sanitary Sewer Basins 4,5, & 6, Inspection, Cleaning, and Testing, City Contract No. 412 (Bid opening 2:00 P.M. 8/21)

Resolution No. 9036 approving Plans and Specifications and Authorization to Advertise for Sealed Bids for 1143-1145 Alameda Storm Drainage, City Contract No. 419. (Bid opening 2:15 P.M. 8/21).

Resolution No. 9037 Approving Plans and Specifications and Authorization to Advertise for Sealed Bids for Lyon Avenue Storm Drain Project, City Contract No.436. (Bid opening 2:30 P.M. 8/21).

Resolution No. 9038 approving Plans and Specifications and Authorization to Advertise for Sealed Bids for Lassen Retaining Wall, City Contract No. 411.(Bid opening 2:45 P.M. 8/21).

Resolution No. 9039 authorizing the City Manager to execute a Professional Services Agreement with the Crane Transportation Group to perform a Traffic Study for Doctor's Project at 877 Ralston Avenue. (NTE \$18,550).

Resolution No. 9040 approving Memorandum of Understanding between City of Belmont and American Federation of State, County and Municipal Employees.

Resolution No. 9041 approving terms and conditions of Employment for the Unrepresented Management Employees.

Resolution No. 9042 approving terms and conditions of employment for the City Clerk.

Resolution No. 9043 approving Memorandum of Understanding between City of Belmont and Belmont Police Officers Association.

Resolution No. 9044 approving Memorandum of Understanding between City of Belmont and Mid-Management Confidential Employees Association.

Resolution No. 9045 approving the purchase of a Postage Machine from TriForce Solutions, Inc. as required by the US Postal Service. (NTE 11,400)

Resolution No. 9046 appointing Susie White and Gennady Troyan to the Finance Commission for terms ending March 1, 2004 and March 1, 2002 respectively.

Consent Calendar adopted. Moved by C Wright, seconded by C. Rianda, and approved unanimously, by roll call vote, with C. Cook absent.

RESOLUTIONS APPROVED OFF THE CONSENT CALENDAR

Consideration of Resolution approving the Final Subdivision Map Entitled "Ross Woods," City of Belmont, California and Accepting Offers of Dedication

In response to C. Rianda, City Attorney Savaree explained that the City had never had any problems using the bonding method, instead of a letter of credit, for these types of projects. She said bonding companies had been very cooperative in the past, and she did not think there was a need to change the process.

Public Works Director Curtis reported that they had requested an additional \$50,000 bond to repair damage to the streets during this hauling and grading stage.

C. Rianda requested Council consideration of having the one-acre parcel dedicated in perpetuity for open space, unless changed by a vote of the people.

Community Development Director Ewing stated that the one-acre parcel would be deeded to the City with a Grant Deed on the map for use as a park. He said a future Council had the right to change the zoning on the land.

In response to C. Rianda, City Attorney Savaree stated that the land around San Juan had been dedicated by the owner with a Right of Reverter and restricted it to Open Space. She said in this case, the land was deeded with out restrictions. City Attorney Savaree suggested that the Council rezone the property to Parkland- Open Space.

City Manager Kersnar explained the process involved if parkland was sold for another use. He said there were State processes in place that could require a public vote.

Action: on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, 4-0 (Cook, abs) to adopt:

Resolution No. 9047 approving Final Subdivision Map entitled "Ross Woods", City of Belmont, California and Accepting Offers of Dedication.

Action: on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, 4-0 (Cook, abs) to adopt:

Resolution No. 9048 accepting Subdivision Improvement Agreement and authorizing execution thereof, Ross Woods Company, LLC.

PUBLIC/HEARINGS

Public Hearing to consider a Negative Declaration of Environmental Significance, General Plan Amendment, and Zone Change to allow construction of a new 9,166-square foot South County Fire Authority (SCFA) station at 911 Granada Street and 601 Masonic Way. The proposed General Plan Amendment will designate the 601 Masonic Way parcel to (P) "Public Facilities" and the proposed Zoning Amendment will designate the 911 Granada Street and 601 Masonic Way parcels to E-1 "Executive Administrative". (Appl. No. 01-0071); APN: 040-313-050 &-060. Zoned: C-3 (Highway Commercial) - 911 Granada Street; R-4 (Medium Density Multi-Family Residential) - 601 Masonic Way; General Plan Designation: (P) Public Facilities – 911 Granada Street, (Rh) High Density Residential – 601 Masonic Way; CEQA Status: Negative Declaration; Fire Chief Herb Jewell (Applicant); South County Fire Authority/Belmont Fire Protection District (Owners).

Principal Planner de Melo reported that the Planning Commission had approved the Negative Declaration, General Plan Amendment, Design Review, Tree Removal Permit and Zone Change. He said the proposal included an 11-space parking lot on the northern portion of the 13,039 square foot site. Vehicular access will be from two proposed entrance/exit driveways located on Ralston and Masonic. The project included a right-of-way modification that would convert Granada Street to a one-way northbound only street. Planner de Melo explained that the City proposed to rezone both parcels to E-1, Executive Administrative, which specifically allows public utility and public service, uses.

Mayor Hahn opened the public hearing

D. Lawhern, 408 Hiller, asked what procedure would be used to abandon the land around the firehouse. He requested clarification on what options had been formally adopted from the traffic study done for the firehouse. He said he thought the recommendation was to maintain two way traffic on Granada, and a second east bound lane on Masonic, to provide for traffic flow there. Mr. Lawhern stated that the design of this firehouse looked disjointed to him.

Fire Chief Jewell said that the abandonment procedure would go forward after the approvals were given. He explained that the traffic study recommended two options: 1). if Granada was narrowed, northbound traffic flow should be provided only; and, 2). driveway access from the fire station from Ralston Avenue. He noted that at the October Planning Commission Meeting, the traffic study scope of work was expanded, to add a variety of options from Hiller to Old County Road, to get an idea about current traffic patterns.

In response to C. Hahn, Public Works Director Curtis explained that the construction truck route would be mailed by the developer to the affected homeowners associations. He stated that the construction hours would match our noise ordinance.

Fire Chief Jewell explained that construction would begin in April, 2002 and the station would be open on May, 2003.

Mr. Vanderslice, 904 Hiller Street, stated his concerns regarding the letter he had received about the lead concentrations and the dangers involved on the firestation site. He requested information on how it was removed and any remedial action that may have taken place. He said the effected community should have been told about these toxics in the neighborhood.

On motion by C. Warden, seconded by C. Wright and approved unanimously, by show of hands, with C. Cook absent, to close the public hearing.

Action: on motion by C Rianda, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

Resolution No. 9049 adopting a Negative Declaration of Environmental Significance for construction of replacement South County Fire Authority Station No. 14 at 911 Granada Street and 601 Masonic Way. (Appl. No. 01-0071)

Action: on motion by C Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

Resolution. 9050 approving a General Plan Amendment to change the Designation of 601 Masonic Way (APN 040-313-060) from High Density Residential (RH) to Public Facilities (P) (Appl. No. 01-0071)

Action: on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands, with C. Cook absent, to:

Introduce: Ordinance approving a zone change for construction of replacement South County Fire Authority Station No. 14 at 911 Granada Street and 601 Masonic Way (Appl. No. 01-0071; 2nd reading and adoption 8/14)

Public Hearing to consider an Appeal filed on March 19, 2001, by Mr. Vanderslice and Ms. Lopez, regarding Planning Commission Action taken on March 7, 2001, recommending approval of a Conditional Use Permit and Design Review application to remodel an existing ARCO Gasoline Service Station at 470 Ralston Avenue. (Peter Tobin, Tate & Associates, Inc.; ARCO Products, Owner: Assessor's Parcel No. 045-212-010).

Community Development Director Ewing reported that a letter from Mr. Vanderslice had been received requesting a continuance. He said he had received a phone call this evening from the other appellant, Ms. Lopez, also requesting a continuance.

City Attorney Savaree stated that continuances had been granted in the past for other hearings, but it was the prerogative of the Council whether to continue at this time. She explained that they could hear the staff report, and open the public hearing to take testimony from anyone who wished to speak. If after this testimony the Council felt they needed more information, the hearing could be continued or closed.

Community Development Director Ewing reviewed the actions taken by the Planning Commission in approving the Conditional Use Permit and Design Review application for reconstruction of the ARCO gasoline service station. He explained that Mr. Vanderslice and Ms. Lopez appealed this decision. He noted that the 11 points raised in the two appeals had been addressed in the staff report. He said staff had concluded that there was no evidence provided by the applicant in support of the claim, or were outside of the City's jurisdiction. Community Development Director Ewing explained that two neighborhood meetings had been held to provide outreach on the environmental issues and the circulation concerns in this area. He said that the toxics at the gas station were under the purview of the San Mateo County Department of Environmental Health. He said a report had been prepared to determine the level of ground contamination, and they were continuing their study to refine it. He noted that a letter had been received from Environmental Health requesting that an additional condition be crafted that would require Arco to submit a remediation plan to them in advance of granting a building permit for this project.

In response to C. Warden, Community Development Director Ewing stated that he would draft wording for this condition.

City Attorney Savaree outlined the process to be used for this hearing.

Mayor Hahn opened the public hearing.

Mr. Vanderslice, 904 Hiller Street, stated that he was requesting a continuance on behalf of Ms. Lopez and himself.

Mayor Hahn explained that there were people here that may wish to speak. She said if Council felt they needed more information, the hearing could be continued. She requested that Mr. Vanderslice state his objection to this.

Mr. Vanderslice stated that he had found over 20 violations of the zoning ordinances on this project. He said Section 11.2(e) the written statement had not been submitted with the application and therefore he thought the application should have been deemed null and void. He said Arco had a right to remodel the station, but did not have a right to increase the fueling capacity by 300%. He said it was a health and safety issue to increase to this capacity. Mr. Vanderslice said he had not received any answers regarding where the chemicals were coming from that were released into the air. He said he was sure that he had been exposed to toxic chemical vapor. He said community right to know laws had not been followed in this instance. He said he would like this process to be slowed down, so that he and his neighbors could be made aware of all the things that should be done to clean up this site. Mr. Vanderslice said the testing done at his house indicated that there were ethanol concentrations in unknown quantities, and no one could tell him when it will go away or where it is coming from. He said he did not want to allow Arco to expand their operation, until these questions were answered. Mr. Vanderslice said the City had a duty to protect the health and safety of its citizens and should not leave this responsibility to the County. He said that the four lanes on Hiller should be addressed, because it would remove a sidewalk in front of private property. He said he thought his property value had been reduced, because it was now a hazardous waste site that needed to be cleaned up. He requested a continuance of this item, so that all the concerns of the neighborhood could be addressed.

Mr. Tobin, Tate Associates, explained that they were there to answer questions.

Mr. Jamieson, Attorney for BP/Arco, stated that they had a concern about one of the conditions regarding the requirement of eight feet of dedicated property for street widening at the corner of Hiller Street, and the costs involved. He said this was a technical objection, because the condition did not include a dollar amount. Mr. Jamieson stated that they had received a figure of \$55,000 for this construction and that figure was out of proportion to what they thought they would need to contribute, which was around \$10,000. He said the staff had not provided any nexus that their expansion would impact the intersection negatively.

City Attorney Savaree explained that this issue had been addressed and Arco had not appealed this condition during the appeal time frame.

Mr. Jamieson stated that the reason they were discussing this issue was because the conditions could be amended. He said he was asking that this condition be considered for amendment. He said they would like to have the condition clarified, so they knew what the City was requiring from them.

Mr. Lawhern, 408 Hiller Street, representing the Sterling Downs Neighborhood Association, stated his concern about two issues. The contamination and the traffic. He stated that the traffic issue was a condition added at the March 20th Planning Commission meeting. He stated that at this meeting the staff fully explained the impact this change would have on the neighborhood. He said he was concerned about removing the sidewalk on Granada, because it would create an alley. He said the residents should have a chance to look at the options for the widening of Hiller. He said he liked the idea of taking money in-lieu of construction until a decision was made. He said this

funding could be used for beautification of the center divider. Mr. Lawhern said that Arco has responded to the contamination issue by stating they were going to do basic cleanup and replacement of the tanks. He said the applicant should have been straightforward regarding the spill, which may have eliminated some of the concerns of the neighbors. He said he was glad to hear that the City was getting involved with the process for this cleanup. Mr. Lawhern said there was no notice regarding the contamination of the homes in the first block, and he thought the City should have been working on this problem in a proactive way.

Mr. Parsons, Planning Commission Chair, clarified that the Commission did not recommend the widening of the Hiller intersection. They approved granting of a right-of-way, in case the street was widened in the future. He stated that it was his understanding that the condition stated that if the street were built, Arco would fund it. If the street were not widened, a fee would be collected in lieu.

City Attorney Savaree clarified that the conditions of approval had been debated at a public hearing. The Planning Commission made changes to the Resolution following this testimony and requested that the staff return with these changes to be adopted at the next meeting. City Attorney Savaree stated that she had told Mr. Vanderslice that he could amend his appeal after he had had a chance to read the amended Resolution. She said the Planning Commissioners that voted at the second meeting had all indicated that that were familiar with the subject matter and felt they could participate.

Ms. Lopez arrived at the meeting at this time being 9:05 P.M.

Mr. Lawhern came back to the podium and rephrased his questions. He read from the adopted conditions (6-a) that in part stated..... street improvements along Hiller Street frontage to widen the roadway to 48 feet. He said this condition to the average person indicated that the street would be widened. He said this needed to be clarified. He said he felt better now that he had heard from staff that the City had been contacted about the contamination and that we were involved in the dialogue.

Community Development Director Ewing said that the City must follow the County EPA rules for cleanup.

In response to C. Warden, Community Development Director Ewing stated that the condition regarding Hiller was the dedication of the right-of-way, but it did not put the burden on Arco. He said he would clarify that language.

Ms. Lopez 512 Hiller Street, expressed her concerns about the hazards of expansion of this gas station and the ground contamination at her home and her neighbors. She said she thought the neighbors should have been given more attention in this matter and she would like the process to move slower. She said she was also concerned about the widening of Hiller Street.

Attorney Jamieson, ARCO Attorney, said that if condition could be amended that required Arco to participate in the actual cost, not the dedication of right of way, that staff and Arco should be able to make an agreement on a reasonable dollar amount. Attorney Jamieson said they would like the cost to be directly proportionate to the project.

In response to C. Hahn, Mr. Duffy, Arco stated that the condition for the street dedication had not been discussed until the first meeting in March. He said they regretted not putting a cap on the

amount they would fund. He said they were willing to pay their fair share, which they estimated to be around \$10,000.

Mr. Jeffrey, PhD, Risk Manager, Secor, reported that his data indicated that the contamination was within the EPA standards and do not pose a risk.

Mr. Vanderslice, 904 Hiller Street, stated that he had requested 40 public records from the City, which he had not received. He said he was concerned that 600 lbs. of vapor had been extracted from his property. He said he would like an independent evaluation of his property damage, and if it was determined that ARCO caused the damage, he would like his property cleaned up before they were allowed to continue the project. He said he did not agree with the human health assessment used by Secor to determine the toxics on the site.

Ms. Lopez said that this building would not beautify Hiller Street. She said all she would be looking at would be the back of the AM/PM store. She said no one bothered to talk to her about the plan to widen Hiller and she would be the most impacted by this change to four lanes. Mrs. Lopez said she was concerned about the children that ride in that area with this increased traffic. Mrs. Lopez said she had been warned by the Health Department to only grow vegetables or fruit in pots in her yard. She said she was very fearful of what was really going on. She said she would like people to be honest with her, and let her know what was happening on her property.

On motion by C. Wright, seconded by C. Warden, and approved unanimously, with C. Cook absent, to close the public hearing.

In response to C. Rianda, City Manager Kernsar explained that the Planning Commission had taken an action and directed staff to return at the next meeting with the amended Resolution for their approval.

In response to C. Wright, Community Development Director Ewing reviewed the process the staff had taken to address this issue. He said that they had held two community meetings to allow the residents an opportunity to hear from the staff and Arco about the project. He explained that various departments were working in coordination with the City Attorney's office to provide the requested documents to Mr. Vanderslice.

C. Warden stated it was imperative that one of the conditions of approval should be an acceptable site remediation plan by the County Environmental Health Department, before the permit is issued.

City Attorney Savaree explained that two more requests for documents had been received in the last two days from Mr. Vanderslice. She said that her office was working to provide these documents as soon as possible.

In response to C. Rianda, Community Development Director Ewing explained that the City was responsible for notifying the residents about the Conditional Use Permit, County Environmental Health was responsible for notifying residents on remediation sites. He said there was a mailing to the elementary school, but he did not know if the County had mailed to all the residents.

Community Development Director Ewing said that if Council desired, he would request a report from Environmental Health on what procedures they followed in this case.

City Attorney reviewed the options before the Council regarding this action.

C. Wright stated that he supported the direction to include a condition regarding a remediation plan.

Action: on motion by C. Warden, seconded by C. Wright to deny appeal uphold the decision of the Planning Commission to approve this permit with the additional condition regarding the remediation plan. **There was no action, following two yes votes (Wright, Warden); and two no votes, (Rianda, Hahn) with (C. Cook absent).**

Community Development Director Ewing stated the language for the additional condition:

"Prior to issuance of building permits, the applicant shall submit evidence to the Community Development Director that it has prepared a remediation plan which has approved by the San Mateo County Department of Environmental Health." The condition does not require that the remediation plan be implemented prior to issuance of building permits

Action: C. Rianda, made an alternate motion, seconded by C. Hahn to continue this item until the staff researched that fact that the neighbors were adequately notified regarding the spill.

City Attorney Savaree explained that if this item was continued for further information, the matter could be placed on the Consent Calendar or Old Business.

Action: C. Warden, made a alternate motion, seconded by C. Rianda, to approve the earlier motion, but to add that if the noticing requirement was provided by staff, this item be placed on the Consent Calendar. This motion was adopted on a vote of 4-0, by show of hands, with C. Cook absent.

Continued Public Hearing to consider a Conceptual Development Plan, General Plan Amendment, and Zone Change to construct 52 townhouses on a five-acre site currently occupied by the Peninsula Jewish Community Center (PJCC) at 2440 Carlmont Drive. On-site parking would be provided for 130 vehicles for the units. The project would include 2.6 acres of landscape area, which includes hillside and riparian area to the north and west of the units. (Application No. 00-1005); APN: 045-031-010; Zoned: R-3 (Multi-Family Residential - Garden Apartments); CEQA Status: Mitigated Negative Declaration; Summerhill Homes (Applicant); Peninsula Jewish Community Center (Owner)(Cont'd from meeting of May 8th)

Principal Planner de Melo reported that a 48 unit development had been reviewed on May 8th for the five-acre site currently occupied by the Peninsula Jewish Community Center. The Council continued the project to allow the applicant to address development density, housing affordability and pool mitigation fee concerns. He said that the developer submitted five alternative development proposals, and the Council chose the alternative with 52-unit town homes, and an increased pool mitigation fee. He explained that the revised Conceptual Development Plan consisted of nine four-plex and two eight-plex buildings, 130 parking spaces, 104 garage spaces for the units and 26 uncovered spaces for guest parking, and the addition of a tot lot recreation area.

Mayor Hahn opened the continued public hearing.

Mr. Bauer, 1027 Tahoe, urged Council to adopt this Conceptual Development Plan.

On motion by C. Wright, seconded by C. Warden and approved unanimously, with (C. Cook abs.), to close the public hearing.

C. Warden urged the developer to use union labor on this project.

Action: on motion by C. Wright, seconded by C. Warden, and approved, by show of hands, 3 in favor, 1 against, (Hahn); C. Cook, abs,) to adopt:

Resolution No. 9051 adopting a Mitigated Negative Declaration of Environmental Significance for a 52-Unit Residential (RM) (8-20) Dwelling Units per Acre) (Appl. No. 00-1005)

Action: on motion by C. Wright, seconded by C. Warden, and approved, by show of hands, 3 in favor, 1 against (Hahn; C. Cook, abs,) to adopt:

Resolution No.9052 approving a General Plan Amendment to change the Designation of 2440 Carlmont Drive (APN 045-031-010) from Institutions (IN) to medium– density residential (RM) (8-20) Dwelling Units per Acre) (Appl. No. 00- 1005).

Action: C. Warden, seconded by C. Wright, and approved, by show of hands 3 in favor, 1 against (Hahn; C. Cook, abs,) to: Introduce Ordinance approving a zone change from R-3 Multi-Family Residential to Planned Development (PD) Zoning to incorporate a Conceptual Development Plan for Construction of a 52-unit Townhouse Residential Development for Summerhill Homes at 2440 Carlmont Drive (Appl. No. 00-1005; waive further reading, second reading and adoption 8/14)

Public Hearing to consider amendments to Ordinance 360 (The Zoning Ordinance) based on a recommendation of the Planning Commission to add "library" as a permitted use in the Agriculture and Open Space (A) Zone. CEQA Status: Negative Declaration, City of Belmont (Applicant)

Community Development Director Ewing reported that this amendment would make libraries permitted in the Agricultural (A) zone "by right" and was consistent with similar uses, permitted in the zone.

Mayor Hahn opened the public hearing.

Action: on motion by C. Rianda, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to close the public hearing.

Action: on motion by C. Warden, seconded by C. Rianda, and approved unanimously, by show of hands, with C. Cook absent, to: Introduce Ordinance amending Ordinance No. 360 (The Zoning Ordinance) Section 7.2. regarding Library Uses in the Agricultural (A) Zone; 2nd reading and adoption on 8/14.

Mayor Hahn announced that New Business would be heard at this time.

NEW BUSINESS

Discussion and direction regarding alternative site plan for proposed Single Family Residential Development at 2594, 2596, 2598 Coronet Boulevard. (Continued from 4/10/01)

Principal Planner deMelo explained that on April 10th, the Council had reviewed an appeal for an application to construct three new single family dwellings at 2594, 2596 and 2598 Coronet Blvd.

The applicants Attorney, Mr. McCracken addressed Council and requested a 60-day continuance to allow the applicant to prepare a revised site plan for vehicular/pedestrian access to the dwellings from Ralston Avenue. Council concurred, following public testimony to allow the continuance for preparation of a revised site plan and staff investigation of other issues raised at the hearing.

Planner deMelo reported that the revised plans showed a private road to the site from Ralston Avenue. He said that all three homes will have four parking spaces per dwelling, and the grading had been reduced to 1,240 cubic yards. He said staff recommended that the appeal on this item be continued to a further date, pending the action on this item.

Mayor Hahn reopened the continued public hearing.

Ms. Douthett, 2504 Coronet Blvd, stated her concern that this project not impact Coronet Boulevard, and she was worried that home values would be reduced by the addition of these homes.

Attorney McCracken, 840 Malcolm Road, Suite 100, Burlingame, requested that this project continue through the process with the Council. He said the house design would remain the same.

On motion by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to close the public hearing.

In response to C. Rianda, Principal Planner deMelo explained that there was a 20foot wide sewer easement and public access from Coronet.

In response to C. Wright, City Manager Kersnar explained that the appeal had to be continued because the Resolution of approval had not been included.

Action: on motion by C Wright, seconded by C. Rianda, and approved unanimously, by show of hands, with C. Cook absent, to approve the site plan, have staff draft Resolutions of approval for this plan. Council concurred to have this project approved by them.

OLD BUSINESS

Continued Hearing on Appeal by Mr. Ramirez on action taken by the Planning Commission meeting held on January 16, 2001, on the application for Variance and Grading Plan for three single family homes and additional construction requirements granted to Mr. Voskoboynikov concerning the property located at 2594, 2596 and 2598 Coronet Blvd. APN No. 044-260-170,-210,-220. (Continued from 2/13)

City Attorney Savaree explained that if the Council acted favorably on the Resolutions regarding the new site plans, that would render this appeal moot, because this old plan would never be acted on. She explained that if Council decided they could not vote in the affirmative for the new plan, the appeal would move forward with the old application. At that time, the neighbors would have an opportunity to address the old application.

Action: on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands, to continue this appeal to a later date.

Meeting Extended: at this time, being 10:30 P.M., the meeting was extended for 30 minutes.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Report on Back Flow Preventers.

Public Works Director Curtis gave an indepth report on the purpose of these back flow preventers. He stated that a flyer would be delivered to the residents, to educate them on the value of having one of these installed to prevent sewer backups in homes.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and direction regarding consideration of a Use Agreement with the Belmont/Redwood Shores Elementary School District for the use of Ralston Middle School Gym. (Warden)

C. Warden explained that he thought this gym could be used by the community for various functions.

He suggested a Memorandum of Understanding for community use be worked out with the School District. He said he thought that funding for this could come out of the Park and Recreation Capital Improvement Project budget.

C. Wright said he was in support of this idea in concept. He suggested that the Council committee, consisting of C. Rianda and himself be directed to discuss the issue of access to the gym if the City contributed to the construction funding.

C. Rianda stated that under the Civic Center Act, independent community groups had access to school facilities already. She said she would like to use this as an opportunity to expand the athletic program in the Ralston gym.

C. Wright said he would like to have a discussion with the School District around broader uses for constituents. These uses would then be tied into some funding for construction of this facility.

Following discussion, Council concurred 4-0, (Cook, abs) to have the school sub-committee discuss a use agreement with the School district around use of the Gym.

Developing a Contract for Services with the Belmont Chamber of Commerce and relocation of Chamber office. (Hahn)

C. Hahn stated that she was in favor of a contract for services for the Chamber of Commerce.

She said she thought our City was the only one that had a Chamber office at a City Hall site.

She said she felt the Chamber needed to be independent from the City.

City Manager Kersnar stated that he would meet with the Chamber to develop issues and return with a report. He stated he thought it would be timely to transition this request too next year, if agreement was reached with this group.

C. Warden stated that in the long run the Chamber might benefit from moving to other quarters. He stated he thought the contract for services was a good idea.

C. Wright agreed with the concept of contracting for specific services for the City. He said this documentation might indicate that the City was not providing enough support for services. C. Wright stated that it was his understanding that the Chamber was approached to move into the City Hall.

Discussion and Direction regarding Cost of Appeal of \$350, established at Council Meeting of June 26, 2001. (Hahn)

Mayor Hahn stated that she was concerned that the \$350 fee for an appeal was too steep for a resident. She explained that she had done some research and determined that other cities had a variety of fee schedules, and not one figure that stood out.

C. Rianda stated that she thought \$100 was adequate to charge the residents. She said she would not be against having a higher fee for developers.

C. Manager Kersnar stated that the staff would call a public hearing and bring back options for the Council to consider.

Discussion and Direction to reduce discrepancies between the Floor Area Transfer in HRO2 Zones. (Warden)

C. Warden reviewed the rule for FAR transfer in HRO-2 zones and stated that he would like to see if Council had interest in amending the rule to states a 1200 home could be constructed if density was transferred from lots that are adjacent or non-adjacent.

C. Wright stated he believed that if the intent of FAR was to decrease density and gain more open space, it made more sense to allow transfer to a non-adjacent lot on the same street.

C. Rianda stated that the reason this type of transfer was set up in the San Juan Plan was set up to require/encourage total road construction.

Action: on motion by C. Warden, seconded by C. Wright, and approved, 3-1 (Hahn, no, Cook, abs) to direct staff to have the Planning Commission consider the value of changing the density transfer guidelines for the HRO-2 district, and to analyze the ripple effects it would have on the San Juan Plan.

ADJOURNMENT at this time, being 11:15 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

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Meeting tape recorded and televised

Tape No. 500

SPECIAL MEETING

CLOSED SESSIONS

Conference with Legal Counsel, Ongoing Litigation, per Government Code Section 54956.9:

1. City of Belmont vs. S.G. Barber Construction, Inc. (325 Old County Road) San Mateo Superior Court Case No. 408672.

Attended by Councilmembers Warden, Wright, Rianda, Hahn (C. Cook, abs.). City Manager Kersnar, City Attorney Savaree and Public Works Director Curtis. City Clerk was not invited to attend.

ADJOURNMENT at this time, being 11:20 P.M. this meeting was adjourned.

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Conference with Property Negotiator, City Manager Kersnar, Per Government Code Section 54956.

1. APN 045-244-150

Attended by Councilmembers Warden, Wright, Rianda, Hahn (C. Cook, abs.). City Manager Kersnar, City Attorney Savaree, Community Development Director Ewing. City Clerk was not invited to attend.

ADJOURNMENT at this time, being 11:50, this meeting was adjourned.

Meeting not tape recorded

Kathy Kern

Belmont City Clerk